## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAILED

NOV 0 4 2004

U.S PATENT AND TRADEMARK OFFICE BUARD OF PATENT APPEALS AND INTERFERENCES Ex parte ANDRE SMAAL

Application No. 10/010,496

## ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 9, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below.

The following prior art references used by the examiner in the Examiner's Answer have not been scanned into the official file:

Application No. BGN0281, filed Dec. 15, 1999, published Jan. 16, 2000

Cooper, <u>Biotechnology and the Law</u>, Sect. 8.05, pages 8-15 to 8-16 (Aug..2000), Clark Boardman, Callaghan.

These references are needed to process the appeal.

Application No. 10/010,496

Accordingly, it is

ORDERED that the application is returned to the examiner for the references to be scanned in and for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

By:

Craig R. Feinberg

Program and Resource Administrator

(571) 272-9797

cc: Russell D. Orkin
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

CRF/eld RA05-0023